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SENATE BILL 265

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO INSURANCE; MANDATING INSURANCE COVERAGE FOR BONE DENSITOMETRY; AMENDING AND ENACTING SECTIONS OF THE NEW MEXICO INSURANCE CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new Section 59A-22-42 NMSA 1978 is enacted to read:

"59A-22-42. [NEW MATERIAL] COVERAGE FOR BONE DENSITOMETRY. - -

A. Each individual and group health insurance policy, nonprofit health care plan policy, health maintenance organization contract and certificate of insurance delivered or issued for delivery in this state shall provide coverage for bone densitometry, including single and dual photon absorptiometry and dual x-ray absorptiometry. Benefits shall

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1 be payable at a minimum as follows:

2 (1) for a woman with decreasing estrogen
3 levels who is not using estrogen replacement therapy, two bone
4 density tests in her lifetime under coverage by each insurer;
5 provided that if other clinical indications of rapid bone loss
6 occur, the lifetime limit shall not apply; and

7 (2) for all other persons diagnosed as having
8 clinical indications of rapid bone loss, tests as prescribed
9 by a health care provider.

10 B. Coverage pursuant to this section may be
11 subject to deductibles and coinsurance provisions consistent
12 with those applicable to other benefits under the same policy,
13 contract or certificate.

14 C. The provisions of this section do not apply to
15 short-term travel, accident-only or limited or specified
16 disease policies. "

17 Section 2. Section 59A-23-4 NMSA 1978 (being Laws 1984,
18 Chapter 127, Section 463, as amended by Laws 1997, Chapter 7,
19 Section 2 and by Laws 1997, Chapter 249, Section 2 and by Laws
20 1997, Chapter 250, Section 2 and also by Laws 1997, Chapter
21 255, Section 2) is amended to read:

22 "59A-23-4. OTHER PROVISIONS APPLICABLE. --

23 A. No blanket or group health insurance policy or
24 contract shall contain any provision relative to notice or
25 proof of loss or the time for paying benefits or the time

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1 within which suit may be brought upon the policy that in the
2 superintendent's opinion is less favorable to the insured than
3 would be permitted in the required or optional provisions for
4 individual health insurance policies as set forth in Chapter
5 59A, Article 22 NMSA 1978.

6 B. The following provisions of Chapter 59A,
7 Article 22 NMSA 1978 shall also apply as to Chapter 59A,
8 Article 23 NMSA 1978 and blanket and group health insurance
9 contracts:

10 (1) Section 59A-22-1 NMSA 1978, except
11 Subsection C of that section; and

12 (2) Section 59A-22-32 NMSA 1978.

13 C. The following provisions of Chapter 59A,
14 Article 22 NMSA 1978 shall also apply as to group health
15 insurance contracts:

16 (1) Section 59A-22-33 NMSA 1978;

17 (2) Section 59A-22-34 NMSA 1978;

18 (3) Section 59A-22-34.1 NMSA 1978;

19 (4) Section 59A-22-35 NMSA 1978;

20 (5) Section 59A-22-36 NMSA 1978;

21 (6) Section 59A-22-39 NMSA 1978;

22 (7) Section 59A-22-34.3 NMSA 1978;

23 (8) Section 59A-22-39.1 NMSA 1978;

24 [~~(7)~~] (9) Section 59A-22-40 NMSA 1978; [and

25 ~~(8)~~] (10) Section 59A-22-41 NMSA 1978; and

1 (11) Section 59A-22-42 NMSA 1978. "

2 Section 3. Section 59A-46-30 NMSA 1978 (being Laws 1993,
3 Chapter 266, Section 29, as amended) is amended to read:

4 "59A-46-30. STATUTORY CONSTRUCTION AND RELATIONSHIP TO
5 OTHER LAWS. --

6 A. The provisions of the Insurance Code other than
7 Chapter 59A, Article 46 NMSA 1978 shall not apply to health
8 maintenance organizations except as expressly provided in the
9 Insurance Code and that article. To the extent reasonable and
10 not inconsistent with the provisions of that article, the
11 following articles and provisions of the Insurance Code shall
12 also apply to health maintenance organizations and their
13 promoters, sponsors, directors, officers, employees, agents,
14 solicitors and other representatives. For the purposes of
15 such applicability, a health maintenance organization may
16 therein be referred to as an "insurer":

17 (1) Chapter 59A, Article 1 NMSA 1978;

18 (2) Chapter 59A, Article 2 NMSA 1978;

19 [~~(3)~~] ~~Chapter 59A, Article 3 NMSA 1978;~~

20 ~~(4)]~~ (3) Chapter 59A, Article 4 NMSA 1978;

21 [~~(5)]~~ (4) Subsection C of Section 59A-5-22
22 NMSA 1978;

23 [~~(6)]~~ (5) Sections 59A-6-2 through 59A-6-4
24 and 59A-6-6 NMSA 1978;

25 [~~(7)]~~ (6) Chapter 59A, Article 8 NMSA 1978;

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1 [~~(8)~~] (7) Chapter 59A, Article 10 NMSA 1978;
2 [~~(9)~~] (8) Section 59A-12-22 NMSA 1978;
3 [~~(10)~~] (9) Chapter 59A, Article 16 NMSA 1978;
4 [~~(11)~~] (10) Chapter 59A, Article 18 NMSA
5 1978;
6 [~~(12)~~] (11) Chapter 59A, Article 19 NMSA
7 1978;
8 [~~(13)~~] (12) Section 59A-22-14 NMSA 1978;
9 [~~(14)~~] (13) Chapter 59A, Article 23B NMSA
10 1978;
11 [~~(15)~~] (14) Sections 59A-34-9 through
12 59A-34-13, 59A-34-17, 59A-34-23, 59A-34-36 and 59A-34-37 NMSA
13 1978;
14 [~~(16)~~] (15) Chapter 59A, Article 37 NMSA
15 1978; [~~and~~]
16 [~~(17)~~] (16) the Patient Protection Act; and
17 (17) Section 59A-22-42 NMSA 1978.

18 B. Solicitation of enrollees by a health
19 maintenance organization granted a certificate of authority,
20 or its representatives, shall not be construed as violating
21 any provision of law relating to solicitation or advertising
22 by health professionals, but health professionals shall be
23 individually subject to the laws, rules, regulations and
24 ethical provisions governing their individual professions.

25 C. Any health maintenance organization authorized

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1 under the provisions of the Health Maintenance Organization
2 Law shall not be deemed to be practicing medicine and shall be
3 exempt from the provisions of laws relating to the practice of
4 medicine. "

5 Section 4. Section 59A-47-33 NMSA 1978 (being Laws 1984,
6 Chapter 127, Section 879.32, as amended) is amended to read:

7 "59A-47-33. OTHER PROVISIONS APPLICABLE. -- The provisions
8 of the Insurance Code other than Chapter 59A, Article 47 NMSA
9 1978 shall not apply to health care plans except as expressly
10 provided in the Insurance Code and that article. To the
11 extent reasonable and not inconsistent with the provisions of
12 that article, the following articles and provisions of the
13 Insurance Code shall also apply to health care plans, their
14 promoters, sponsors, directors, officers, employees, agents,
15 solicitors and other representatives; and, for the purposes of
16 such applicability, a health care plan may therein be referred
17 to as an "insurer":

- 18 A. Chapter 59A, Article 1 NMSA 1978;
- 19 B. Chapter 59A, Article 2 NMSA 1978;
- 20 C. Chapter 59A, Article 4 NMSA 1978;
- 21 D. Subsection C of Section 59A-5-22 NMSA 1978;
- 22 E. Sections 59A-6-2 through 59A-6-4 and
23 59A-6-6 NMSA 1978;
- 24 F. Section 59A-7-11 NMSA 1978;
- 25 G. Chapter 59A, Article 8 NMSA 1978;

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- 1 H. Chapter 59A, Article 10 NMSA 1978;
2 I. Section 59A-12-22 NMSA 1978;
3 J. Chapter 59A, Article 16 NMSA 1978;
4 K. Chapter 59A, Article 18 NMSA 1978;
5 L. Chapter 59A, Article 19 NMSA 1978;
6 M. Subsections B through E of Section
7 59A-22-5 NMSA 1978;
8 N. Section 59A-22-14 NMSA 1978;
9 O. Section 59A-22-34.1 NMSA 1978;
10 P. Section 59A-22-39 NMSA 1978;
11 Q. Section 59A-22-40 NMSA 1978;
12 R. Section 59A-22-41 NMSA 1978;
13 S. Section 59A-22-42 NMSA 1978;
14 [~~S.~~] T. Sections 59A-34-9 through 59A-34-13 and
15 59A-34-23 NMSA 1978;
16 [~~T.~~] U. Chapter 59A, Article 37 NMSA 1978, except
17 Section 59A-37-7 NMSA 1978;
18 [~~U.~~] V. Section 59A-46-15 NMSA 1978; and
19 [~~V.~~] W. the Patient Protection Act. "

20 Section 5. EFFECTIVE DATE. --The effective date of the
21 provisions of this act is July 1, 1999.

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